UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:22-cv-00178-MR

JOHN N. LOWERY,)
Plaintiff,))
vs.	ORDER
MOUATI OUGOK A A	<i>)</i>)
MICHAEL SHOOK, et al.,) \
Defendants.	,))

THIS MATTER is before the Court on the U.S. Marshal's return of unexecuted Summons for Defendant Jeffrey B. Miller. [Doc. 25].

On March 13, 2023, the North Carolina Department of Adult Corrections (NCDAC) filed a document under seal indicating it was unable to procure a waiver of service for Defendant Jeffrey B. Miller for the reasons stated in that document. [Doc. 17]. The sealed document provided the last known address for Defendant Miller. [See id.]. The Court, therefore, ordered the U.S. Marshal to use reasonable efforts to locate and obtain service on this Defendant in accordance with Rule 4. [Doc. 20]. The Court directed the Clerk of Court to provide a copy of Docket No. 17 to the U.S. Marshal for its eyes only for the sole purpose of serving Defendant Miller (and the other unserved Defendants not relevant here). [Id. at 3-4].

Recently, the U.S. Marshal returned the Summons for Defendant Miller unexecuted, explaining that "nobody [was] home" on the first attempt and Defendant Miller's father advised on the second attempt that Defendant Miller "no longer lives at [that] address." [Doc. 23 at 1]. The Court, therefore, will order counsel for the North Carolina Department of Justice (NCDOJ) to consult with the NCDAC and confirm the correct last known address for Defendant Miller. The Court will order NCDOJ counsel to submit a status update and amended sealed document with Defendant Miller's last known address and/or any additional information necessary or helpful to the U.S. Marshal to effect service, if appropriate, within ten (10) days of this Order.

ORDER

IT IS, THEREFORE, ORDERED that counsel for the North Carolina Department of Justice shall consult with the North Carolina Department of Adult Corrections regarding Defendant Jeffrey B. Miller's last known address and file a status update and amended sealed document with Defendant Miller's last known address and/or any additional information necessary or helpful to the U.S. Marshal to effect service, if appropriate, with the Court within ten (10) of this Order in accordance with the terms of this Order.

IT IS SO ORDERED.

Signed: April 21, 2023

Martin Reidinger

Chief United States District Judge